



# COUNCIL MINUTES

for the meeting

Tuesday, 28 November 2023

in the Council Chamber, Adelaide Town Hall

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Present – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)

Deputy Lord Mayor, Councillor Martin

Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Li, Noon, Dr Siebenritt and Snape

## **1 Acknowledgement of Country**

At the opening of the Council meeting, the Lord Mayor stated:

'Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognize and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

## **2 Acknowledgement of Colonel William Light**

The Lord Mayor stated:

'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia's planning heritage.'

## **3 Prayer**

Upon the completion of the Acknowledgement of Colonel Light, the Lord Mayor stated:

'We pray for wisdom, courage, empathy, understanding and guidance in the decisions that we make, whilst seeking and respecting the opinions of others.'

## **4 Pledge**

The Lord Mayor stated:

'May we in this meeting speak honestly, listen attentively, think clearly and decide wisely for the good governance of the City of Adelaide and the wellbeing of those we serve.'

## **5 Memorial Silence**

The Lord Mayor asked all present stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.

## **6 Apologies and Leave of Absence**

Nil

## **7 Confirmation of Minutes - 14/11/2023 & 16/11/2023**

Moved by Councillor Noon,  
Seconded by Councillor Snape -

That the Minutes of the meeting of the Council held on 14 November 2023 and the Minutes of the Special meeting of the Council held on 16 November 2023, be taken as read and be confirmed as an accurate record of proceedings.

Carried unanimously

**Memorial Silence**

The Lord Mayor asked all present to stand for a minute's silence for all Israeli and Palestinian civilians killed in the current conflict, in accordance with the resolution of Council on 14 November 2023.

**8 Declaration of Conflict of Interest**

The Lord Mayor advised the meeting, that during Item 14.1 – Appointment of Deputy Lord Mayor and other appointment items, Council Members would need to declare conflicts of interest.

**9 Deputations**

Nil

**10 Petitions****10.1 Petition - Supporting our South Australian Community Impacted by the Israeli-Palestinian Conflict**

Moved by Councillor Couros,  
Seconded by Councillor Siebentritt -

**THAT COUNCIL**

1. Receives the petition containing 1979 signatories, distributed as a separate document to Item 10.1 on the Agenda for the meeting of the Council held on 28 November 2023.

Carried

Councillor Abrahamzadeh entered the Council Chamber at 5.36 pm.

**11 Audit and Risk Committee Report - 10 November 2023**

Discussion ensued

It was then -

Moved by Councillor Li,  
Seconded by Deputy Lord Mayor, Councillor Martin -

**11.1 Recommendation 1 - Item 5.1 - 2023/24 BP&B Quarter One Progress Report****THAT COUNCIL**

1. Notes that the Audit and Risk Committee met on the 10 November 2023 and discussed the following items:
  - Item 5.1 - 2023/24 BP&B Quarter One Progress Report
  - Item 5.2 - Grants Management Internal Audit
  - Item 5.3 - Review of Confidentiality Orders
  - Item 5.4 - Climate Change Risk Adaptation Action Plan
  - Item 5.5 - Record Keeping Internal Audit
  - Item 5.6 - Cab Charges, Ride Shares & Pool Cars Internal Audit
  - Item 5.7 - Internal Audit Progress Report
  - Item 5.8 - Audit and Risk Committee Workplan
  - Item 5.9 - Draft Strategic Plan 2024-2028

Carried unanimously

Councillor Li declared a general conflict of interest in Item 11.1 [Recommendation 1 - Item 5.1 - 2023/24 BP&B Quarter One Progress Report – Parts 10.1 and 10.2], pursuant to Section 74 of

the *Local Government Act 1999* (SA) as he had an interest in the ongoing court of disputed returns trial, withdrew his Chair and left the Council Chamber at 5.37 pm.

It was then –

Moved by Councillor Abrahamzadeh,  
Seconded by Councillor Siebentritt –

THAT COUNCIL

1. Notes that the Audit and Risk Committee met on the 10 November 2023 and discussed the following items:
  - Item 10.1 – Voters Roll Review, considered in confidence pursuant to Section 90(3)(h) of the *Local Government Act 1999* (SA)
  - Item 10.2 - Strategic Risk and Internal Audit Update, considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999* (SA)

Carried

Councillor Li re-entered the Council Chamber at 5.38 pm.

## **12 Recommendations of the City Finance and Governance Committee - 21 November 2023**

Discussion ensued

It was then –

Moved by Deputy Lord Mayor, Councillor Martin,  
Seconded by Councillor Giles -

### **12.1 Recommendation 1 - Item 7.1 - 2023/24 Business Plan and Budget - Quarter One report**

THAT COUNCIL:

1. Receives the quarterly update for the 2023/24 Business Plan and Budget as provided in Attachment A to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023, and notes the highlights of deliverables, status updates and risks and opportunities provided for Projects, Portfolios and Subsidiaries
2. Approves adjustments for the 2023/24 Business Plan and Budget as identified in this report and reflected in Attachment A to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023.
3. Approves the budgeted year end Operating Position, which includes:
  - 3.1. Total operating income of \$229.394m
  - 3.2. Total operating expenses (including depreciation) of \$227.442m
  - 3.3. An operating surplus of \$1.952m
4. Approves total capital expenditure of \$110.280m for the 2023/24 year
5. Approved total borrowings of \$40.553m projected to 30 June 2024
6. Notes the year to date Operating Position (Financial Performance) for the quarter as presented in Attachment A to Item 7.1, on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023, which includes:
  - 6.1. Total operating income of \$56.554m
  - 6.2. Total operating expenses (including depreciation) of \$50.397m
  - 6.3. An operating surplus of \$6.156m
  - 6.4. Total Capital Expenditure of \$24.134m
  - 6.5. Cash positive position of \$3.191m
7. Notes the detailed quarterly updates of Council Subsidiaries as provided as Attachments B, C & D to Item 7.1 on the Agenda for the meeting of the City Finance and Governance

Committee held on 21 November 2023.

## **12.2 Recommendation 2 - Item 7.2 - AEDA Charter Amendments**

### THAT COUNCIL:

1. Notes the table of proposed amendments to the Charters of the Adelaide Central Market Authority and Adelaide Economic Development Agency as set out in Attachment A to Item 7.2 on the Agenda for the City Finance and Governance Committee held on 21 November 2023.
2. Notes that at its 26 September 2023 meeting Council endorsed the proposed changes to the Adelaide Central Market Authority Charter.
3. Approves the amendments to the Charter of the Adelaide Economic Development Agency as set out in Attachment B to 7.2 on the Agenda for the City Finance and Governance Committee held on 21 November 2023.
4. Authorises the Chief Executive Officer to make any necessary or desirable typographical or syntactical revisions to the amended Adelaide Economic Development Agency Charter as set out in Attachment B to Item 7.2 on the Agenda for the City Finance and Governance Committee held on 21 November 2023 before any notification of amendment is made in the Government Gazette. If any such revisions are made, then it is the version as revised which will become the Charter upon publication in the Government Gazette.
5. Notes the amended Adelaide Economic Development Agency Charter will be provided to the Minister for Local Government.
6. Notes the amended Adelaide Economic Development Agency Charter will be effective from the date the Charter is published in the Government Gazette.
7. Approves the amended Terms of Reference for the Adelaide Economic Development Agency Advisory Committee as set out in Attachment C to Item 7.2 on the Agenda for the City Finance and Governance Committee held on 21 November 2023.

## **12.3 Recommendation 3 - Item 7.3 - Prudential Management Policy**

### THAT COUNCIL:

1. Adopts the updated Prudential Management Policy (2023) as per Attachment A to Item 7.3 on the Agenda for the City Finance and Governance held on 21 November 2023.

## **12.4 Recommendation 4 - Item 7.4 - Public Transparency Policy**

### THAT COUNCIL:

1. Adopts the Public Transparency Policy as contained in Attachment A to Item 7.4 on the Agenda for the meeting of City Finance and Governance Committee held on 21 November 2023.
2. Authorises the Chief Executive Officer to make any minor editorial and formatting changes as required to finalise the Public Transparency Policy.

## **12.5 Recommendation 5 - Item 7.5 - Draft Code of Practice for Access to Council and Committee Meetings and Documents**

### THAT COUNCIL:

1. Adopts the Code of Practice for Access to Council and Committee Meetings and Documents as tabled at the Council Meeting on 28 November 2023.
2. Approves the deletion of the following section of City of Adelaide Standing Orders:
  - 2.1. Chapter 7 – Meeting Procedures and Access to Meetings and Documents
    - 2.1.1 Part 4 – Items Closed to the Public
    - 2.1.2 Part 5 – Meeting Documents
3. Authorises the Chief Executive Officer to make any necessary minor editorial and

formatting changes as required to the Code of Practice for Access to Council and Committee Meetings and Documents in order to finalise the document.

**12.6 Recommendation 6 - Item 8.1 - Update on progress of Integrated Community Engagement Framework**

THAT COUNCIL:

1. Notes the update on the progress of the Integrated Community Engagement Framework.

**12.7 Recommendation 7 - Item 8.2 - Procurement Forums**

THAT COUNCIL:

1. Notes the report on the potential to offer multi lingual Procurement Forum Presentations.

Carried

The tabled document for Recommendation 5 - Draft Code of Practice for Access to Council and Committee Meetings and Documents, can be found at the conclusion of the minutes for information.

**13 Recommendations of the Infrastructure and Public Works Committee - 21 November 2023**

Moved by Councillor Couros,  
Seconded by Councillor Abrahamzadeh -

**13.1 Recommendation 1 - Item 7.1 - Recommended Levels of Service - Water Infrastructure**

THAT COUNCIL

1. Notes the results of the community consultation undertaken in November 2021 to benchmark current user satisfaction for water infrastructure assets.
2. Approves the development of the interim Water Infrastructure Asset Management Plan based on the planning principles and recommended management strategies presented within, as set out in Item 7.1 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.
3. Seeks the interim Water Infrastructure Asset Management Plan to reference options for the use of recycled water across the Park Lands from within or outside the network and the results of an assessment of an alternative to bore water usage in the Park Lands and to consider what assets would improve water quality in the River Torrens.

**13.2 Recommendation 2 - Item 7.2 - Recommended Levels of Service - Park Land & Open Space**

THAT COUNCIL

1. Notes the results of the community consultation undertaken in November 2021 to benchmark current user satisfaction for Park Lands and Open Space assets.
2. Approves the development of the Park Lands and Open Space Asset Management Plan based on the planning principles and recommended management strategies as set out in Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.

**13.3 Recommendation 3 - Item 7.3 - 2023-2024 Australian Government Black Spot Program - Funding Deeds**

THAT COUNCIL

1. Notes the successful grant applications for the 2023/24 Australian Government Black Spot Program for safety upgrade works at the intersections of Currie Street and Morphett Street; Jeffcott Street and Ward Street; and Morphett Street and South Terrace.
2. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Funding Deed under the 2023/24 Australian Government Black Spot

Program for safety upgrade works at the intersections of Currie Street and Morphett Street; Jeffcott Street and Ward Street; and Morphett Street and South Terrace as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.

#### 13.4 Recommendation 4 - Item 7.4 - Hutt Street Entry Statement Project

##### THAT COUNCIL

1. Authorises the Chief Executive Officer (or authorised representative) to commence the procurement process by releasing a request for tender for the Hutt Street Entry Statement project with an estimate project value within the approved budget.
2. Authorises the Chief Executive Officer (or authorised representative) to approve the award of the contract and approve variations for the Hutt Street Entry Statement Project to the contract as appropriate until the contract is concluded within the approved budget.

#### 13.5 Recommendation 5 - Item 8.1 - Capital Project Update - October 2023

##### THAT COUNCIL

1. Notes the Capital Works Program Update for October 2023 as contained within this report and Attachment A to Item 8.1 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on 21 November 2023.

Carried

#### 14 Reports for Council (Chief Executive Officer's Reports)

##### 14.1 Appointment of Deputy Lord Mayor

Discussion ensued

It was then –

Moved by Councillor Giles,  
Seconded by Councillor Couros -

##### THAT COUNCIL

1. Notes that Council has resolved to have the position of Deputy Lord Mayor for the 2022-2026 Council Term.

Carried

Deputy Lord Mayor, Councillor Martin declared a material conflict of interest in Part 2 of Item 14.1 [Appointment of Deputy Lord Mayor], pursuant to Section 75 of the *Local Government Act 1999* (SA) as he is the current Deputy Lord Mayor, withdrew his Chair and left the Council Chamber at 5.40 pm.

It was then –

Moved by Councillor Snape,  
Seconded by Councillor Davis -

##### THAT COUNCIL

2. Approves Councillor Martin continuing in the role of Deputy Lord Mayor until 31 December 2023.

Discussion ensued

The motion was then put and carried

Deputy Lord Mayor, Councillor Martin re-entered the Council Chamber at 5.42 pm.

The Lord Mayor, then called for nominations to the position of Deputy Lord mayor for the period commencing 1 January 2024 to 31 December 2024.

Councillor Giles nominated Councillor Snape, who accepted the nomination.

Councillor Abrahamzadeh nominated Councillor Davis, who accepted the nomination.

Councillor Elliott nominated himself.

There being 3 nominations for 1 position, a ballot was conducted, resulting in Councillor Snape being the successful candidate.

Councillor Snape declared a material conflict of interest in Part 3 of Item 14.1 [Appointment of Deputy Lord Mayor], pursuant to Section 75 of the *Local Government Act 1999* (SA) as he was the successful candidate to a position with remuneration, withdrew his Chair and left the Council Chamber at 5.48 pm.

It was then –

Moved by Councillor Davis,  
Seconded by Deputy Lord Mayor, Councillor Martin –

THAT COUNCIL

3. Appoints Councillor Snape to the position of Deputy Lord Mayor for the period commencing 1 January 2024 to 31 December 2024.

Carried

Councillor Snape re-entered the Council Chamber at 5.49 pm.

#### **14.2 Determination of Time and Place of Ordinary Meetings of Council for 2024**

Moved by Councillor Noon,  
Seconded by Councillor Hou -

THAT COUNCIL:

1. Approves that the ordinary council meetings will be held from 5.30pm in the Council Chambers, Town Hall, Adelaide on the second and fourth Tuesday of every month (except in January and December 2024), in accordance with the meeting schedule outlined below:

Tuesday 30 January 2024

Tuesday 13 February 2024

Tuesday 27 February 2024

Tuesday 12 March 2024

Tuesday 26 March 2024

Tuesday 9 April 2024

Tuesday 23 April 2024

Tuesday 14 May 2024

Tuesday 28 May 2024

Tuesday 11 June 2024

Tuesday 25 June 2024

Tuesday 9 July 2024

Tuesday 23 July 2024

Tuesday 13 August 2024

Tuesday 27 August 2024

Tuesday 10 September 2024

Tuesday 24 September 2024

Tuesday 8 October 2024

Tuesday 22 October 2024



Tuesday 12 November 2024

Tuesday 26 November 2024

Tuesday 10 December 2024

2. Authorises that delegated authority be provided to the Chief Executive Officer to amend the date and time of ordinary Council meetings should the need arise, with advice provided to Council Members as soon as practical when a need for change is identified and formal notification provided in accordance with the requirements of section 83(1) of the *Local Government Act 1999*.

Carried unanimously

### 14.3 Extension of Committee Chairs

Councillor Giles declared a material conflict of interest in part 1 of Item 14.3 [Extension of Committee Chairs], pursuant to Section 74 of the *Local Government Act 1999* (SA) as she is the current Chair of the City Community Services and Culture Committee, withdrew her Chair and left the Council Chamber at 5.50 pm.

It was then -

Moved by Councillor Davis,  
Seconded by Councillor Snape -

#### THAT COUNCIL

1. Approves the extension of the appointment of Councillor Janet Giles as Chair and Councillor Henry Davis as Deputy Chair of the City Community Services and Culture Committee until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined.

Carried

Councillor Giles re-entered the Council Chamber at 5.50pm.

Councillor Noon declared a material conflict of interest in part 2 of Item 14.3 [Extension of Committee Chairs], pursuant to Section 74 of the *Local Government Act 1999* (SA) as she is the current Chair of the City Planning, Development and Business Affairs Committee, withdrew her Chair and left the Council Chamber at 5.50 pm.

It was then –

Moved by Councillor Elliott,  
Seconded by Councillor Giles –

#### THAT COUNCIL

2. Approves the extension of the appointment of Councillor Carmel Noon as Chair and Deputy Lord Mayor (Councillor Phillip Martin) as Deputy Chair of the City Planning, Development and Business Affairs Committee until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined.

Carried

Councillor Noon re-entered the Council Chamber at 5.51pm.

Councillor Siebentritt declared a material conflict of interest in part 3 of Item 14.3 [Extension of Committee Chairs], pursuant to Section 74 of the *Local Government Act 1999* (SA) as he is the current Chair of the City Finance and Governance Committee, withdrew his Chair and left the Council Chamber at 5.51 pm.

It was then –

Moved by Councillor Snape,  
Seconded by Councillor Davis –

THAT COUNCIL

3. Approves the extension of the appointment of Councillor Mark Siebentritt as Chair and Councillor Jing Li as Deputy Chair of the City Finance and Governance Committee until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined.

Carried

Councillor Siebentritt re-entered the Council Chamber at 5.51pm.

Councillor Couros declared a material conflict of interest in part 4 of Item 14.3 [Extension of Committee Chairs], pursuant to Section 74 of the *Local Government Act 1999* (SA) as she is the current Chair of the Infrastructure and Public Works Committee, withdrew her Chair and left the Council Chamber at 5.51 pm.

It was then –

Moved by Councillor Hou,  
Seconded by Councillor Elliott –

THAT COUNCIL

4. Approves the extension of the appointment of Councillor Mary Couros as Chair and Councillor David Elliott as Deputy Chair of the Infrastructure and Public Works Committee until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined.

Carried

Councillor Couros re-entered the Council Chamber at 5.52 pm.

It was then-

Moved by Councillor Giles,  
Seconded by Councillor Elliott –

THAT COUNCIL

5. Approves the continuation of the Committee structure until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined, for the following Committees:
  - 5.1. City Community Services and Culture Committee, 5:30pm Tuesday 6 February 2024.
  - 5.2. City Planning, Development and Business Affairs Committee, 7:00pm Tuesday 6 February 2024.
  - 5.3. City Finance and Governance Committee, 5:30pm Tuesday 20 February 2024.
  - 5.4. Infrastructure and Public Works Committee, 7:00pm Tuesday 20 February 2024.
  - 5.5. City Community Services and Culture Committee, 5:30pm Tuesday 5 March 2024.
  - 5.6. City Planning, Development and Business Affairs Committee, 7:00pm Tuesday 5 March 2024.
  - 5.7. City Finance and Governance Committee, 5:30pm Tuesday 19 March 2024.
  - 5.8. Infrastructure and Public Works Committee, 7:00pm Tuesday 19 March 2024.

Carried

**14.4 Australia Day Citizenship Ceremony**

Moved by Councillor Giles,  
Seconded by Councillor Elliott -

THAT COUNCIL

1. Notes the City of Adelaide hosting the citizenship ceremony linked to Australia Day 2024 and presentation of Citizen of the Year Awards on Thursday 25 January 2024.

2. Notes the practice of holding the citizenship ceremony linked to Australia Day and presentation of Citizen of the Year Awards on the closest standard working week day to the Australia Day public holiday will be followed for future years.

Discussion ensued

The motion was then put and carried

Deputy Lord Mayor, Councillor Martin requested that a division be taken on the motion.

Division

For (6):

Deputy Lord Mayor, Councillor Martin and Councillors Elliott, Giles, Li, Siebentritt and Snape.

Against (5):

Councillors Abrahamzadeh, Couros, Davis, Hou and Noon.

The division was declared in favour of the motion

#### 14.5 2023 Confidential Orders Review

Moved by Councillor Elliott,  
Seconded by Councillor Siebentritt -

THAT COUNCIL

1. Notes that a review of the active confidentiality orders (May 2005 – October 2023) has been undertaken in accordance with Section 91(9) of the *Local Government Act 1999* (SA).
2. Notes that 39 active confidentiality orders will be released in part or full during December 2023.
3. Approves the extension of 43 confidentiality orders as identified in Attachment A to Item 14.5 on the Agenda for the meeting of the Council held on 28 November 2023.

Carried

#### 15 Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following activities:

- Citizenship Ceremony
- Organisation of 50<sup>th</sup> anniversary celebrations with Sister City Georgetown, Penang
- The first anniversary of the Council and its achievements

It was then –

Moved by Councillor Abrahamzadeh,  
Seconded by Deputy Lord Mayor, Councillor Martin –

That the report be received and noted.

Carried

#### 16 Councillors' Reports

##### 16.1 Reports from Council Members

Deputy Lord Mayor, Councillor Martin addressed the meeting on the following activities:

- Asbestos Victims Memorial Day

Councillor Giles addressed the meeting on the following activities:

- Adelaide Town Hall Mega Singalong

It was then –

Moved by Councillor Snape,

Seconded by Councillor Noon -

THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 16.1 on the Agenda of the meeting of the Council held on 28 November 2023), subject to the following changes in Attachment A - Council Member Meetings Attended table:
  - 1.1 Date range for the heading to be amended to Council Member Meetings Attended: 19 October – 31 October 2023
  - 1.2 The following meetings be noted as attended by Councillor Carmel Noon:
    - 1.2.1 18/10/23, Business Events Adelaide Annual General Meeting
    - 1.2.2 26/10/23, Adelaide Central Market Board Meeting
    - 1.2.3 26/10/23, Adelaide Central Market Annual General Meeting
    - 1.2.4 26/10/23, East End Coordination Group Annual General Meeting
2. Notes the summary of Council Members' meeting attendance (Attachment B to Item 16.1 on the Agenda for the meeting of the Council held on 28 November 2023).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 28 November 2023 be included in the Minutes of the meeting.

Carried unanimously

**17 Motions on Notice**

**17.1 Councillor Noon - MoN - Minute silence for lives lost on roads this year and a review / audit of the CoA's Road Safety Strategy**

Moved by Councillor Noon,  
Seconded by Councillor Elliott -

That Council:

1. Extends its deepest condolences to Commissioner Grant Stevens, his wife Emma and family for their loss.
2. In solidarity with all those who have endured the pain of losing loved ones on the roads this year, we call for a minutes silence to honour the precious lives that have left an irreplaceable void in the hearts of their families and friends.
3. That Council Administration provide an overview of the CoA's Road Safety Strategy to urgently address the high rate of collisions between motorists, cyclists and pedestrians, including but not limited to:
  - 3.1 Black Spots
    - the effectiveness of black spot identification and mitigation measures
    - assess the accuracy of the audit process in identifying high-risk areas
    - analyze the implementation of recommended safety measures in identified black spots
  - 3.2 Speed Limits
    - the appropriateness of current speed limits on various roads
    - the correlation between speed limits and accident rates
    - road safety experts regarding recommended speed limits
  - 3.3 Bike Infrastructure
    - Review the existing bike infrastructure
    - Assess the connectivity and safety of bike lanes, paths, and other facilities
    - Evaluate the impact of bike infrastructure on overall road safety
  - 3.4 Consultation with Road Safety Experts
    - Outline the process and extent of consultation with road safety experts
    - Incorporate feedback and recommendations provided by these experts

- Assess the alignment of the strategy with best practices and expert advice.

### 3.5 Data Analysis

- Utilisation of relevant statistical data to evaluate the impact of the strategy
- trends in road accidents, injuries, and fatalities
- Assess whether the implemented measures have led to improvements

### 3.6 Public Engagement

- Evaluate the effectiveness of public awareness campaigns related to road safety
- Assess public feedback and perceptions regarding the CoA Road Safety Strategy

### 3.7 Recommendations

- Provide recommendations for refining the CoA Road Safety Strategy
- Suggest potential areas for additional investment or improvement and or how the CoA can work with the LGA, State and Federal Governments especially with the recent Federal Government announcement of the doubling of Roads to Recovery funding annually for Councils (from \$500M to \$1B), to ensure that SA gets a fair share of the funding.

Discussion ensued, during which Councillor Elliott withdrew his seconding of the motion and Councillor Davis seconded the motion.

Amendment –

Moved by Councillor Elliott,  
Seconded by Councillor Snape –

That Part 3 of the motion be amended to read as follows:

- '3. Requests that administration consider the inclusion of the following specific sections in the Integrated Transport Strategy:'

Discussion ensued

The amendment was then put and carried

The motion, as amended, was then put and carried

## 17.2 Councillor Couros - MoN - Update from Mainstreet Roundtable Discussions

Moved by Councillor Couros,  
Seconded by Councillor Hou -

That Council:

1. Notes of the many round table discussions on Mainstreets held in the previous term of council with the community and updates presented to councillors for noting
2. Asks the administration to prepare a report based on the compilation of updates from the round table discussions and other consultations associated with the Mainstreets.

Discussion ensued

The motion was then put and carried

Councillor Abrahamzadeh requested that a division be taken on the motion.

Division

For (7):

Councillors Abrahamzadeh, Couros, Giles, Li, Siebentritt and Snape.

Against (4):

Deputy Lord Mayor, Councillor Martin and Councillors, , Davis, Elliott Hou and Noon.

**17.3 Councillor Elliott - MoN - Amendment to Code of Practice for Meeting Procedures**

Moved by Councillor Elliott,  
Seconded by Councillor Siebentritt -

That Council resolves to amend 4.4 of the Code of Practice for Meeting Procedures to read:

1. Mobile telephones must be switched off or in vibration or silent mode during Council and Committee meetings. Members of Council shall not send text messages or emails, or make or receive telephone calls, during Council and Committee meetings when present in the Council Chamber or Colonel Light Room.'
2. Tablet devices shall, during Council and Committee meetings, only be used for accessing meeting papers.

Discussion ensued

Amendment –

Moved by Councillor Noon,  
Seconded by Deputy Lord Mayor, Councillor Martin -

That the motion be amended by the inclusion of two additional paragraphs to read as follows:

- '3. If the meeting is or goes 'in-camera' mobiles are to be removed from access, with tablets to be used to access meeting papers only.
4. If Members of Council are expecting an emergency call and or have commitments that require them to be contactable they are to advise the Presiding Member prior to the meeting of Council to seek authorisation to access their mobile.'

Discussion continued

The amendment was then put and carried

Councillor Abrahamzadeh requested that a division be taken on the amendment

Division

For (6):

Councillors Elliott, Giles, Li, Noon, Siebentritt and Snape.

Against (5):

Deputy Lord Mayor, Councillor Martin and Councillors Abrahamzadeh, Couros, Davis and Hou.

The division was declared in favour of the amendment

Discussion continued, during which with the consent of the mover and seconder, the Lord Mayor advised that the motion, as amended, would be taken in parts.

Part 1 of the motion was then put and carried

Part 2 of the motion was then put and lost

Part 3 of the motion, as amended, was then put and carried

Councillor Elliott requested that a division be taken on part 3 of the motion, as amended

Division

For (6):

Councillors Elliott, Giles, Li, Noon, Siebentritt and Snape.

Against (5):

Deputy Lord Mayor, Councillor Martin and Councillors Abrahamzadeh, Couros, Davis and

Hou.

The division was declared in favour of part 3 of the motion, as amended  
Part 4 of the motion, as amended, was then put and lost

**18 Motions without Notice**

Nil

**19 Questions on Notice**

**20 Questions without Notice**

Discussion ensued

**21 Exclusion of the Public**

Moved by Councillor Noon,  
Seconded by Deputy Lord Mayor, Councillor Martin -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (h) and (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28 November 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Confidential Audit and Risk Committee Report – 10 November 2023] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is of a confidential nature because the report includes information on Council litigation and Legal Advice.

The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation.

Public Interest

The Audit and Risk Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information relates to actual litigation of Council.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 28 November 2023 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 22 [Confidential Audit and Risk Committee Report – 10 November 2023] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (h) and (i) of the Act.

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28 November 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 23 [Confidential Recommendation of the City Finance and Governance Committee – 21 November 2023] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to identify the shortlisted tenderers and to confer a commercial advantage on a person with whom the Council is conducting business and prejudice the commercial position of the Council, with the potential to confer a commercial advantage to a third party competitor of a person with whom the council is conducting business.

Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiation with the proponent and because the disclosure of Council's commercial position may severely prejudice Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 28 November 2023 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 23 [Confidential Recommendation of the City Finance and Governance Committee – 21 November 2023] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) and (d) of the Act.

Carried

Members of the public and Corporation staff present not directly involved with Items 22 and 23, left the Council Chamber at 6.57 pm.



**November 2023**

- 23.1** Item 23.1 - Recommendation 1 - Item 10.1 - Delegation to Award Contract [S90(3) (b), (d)]

## Item 22 - Confidential Audit and Risk Committee – 10 November 2023

**Resolution and Confidentiality Order**THAT COUNCIL

1. Notes the report.
2. Authorises that, in accordance with Section 91 (7) & (9) of the *Local Government Act 1999* (SA) and on the grounds that Item 23 [Confidential Audit and Risk Committee Report - 10 November 2023] listed on the Agenda for the meeting of Council held on 28 November 2023 was received, discussed and considered in confidence pursuant to Section 90 (3)(i) & (h) of the *Local Government Act 1999* (SA) this meeting of the Council, do order that:
  - 2.1. The resolution become public information and included in the Minutes of this meeting.
  - 2.2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2030.
  - 2.3. The confidentiality of this matter be reviewed in December 2024.
  - 2.4. The Chief Executive Officer be delegated authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

## Item 23 – Confidential Recommendation of the City Finance and Governance Committee – 21 November 2023

**Confidentiality Order**

Authorises that, in accordance with Section 91(7) and (9) of the *Local Government Act 1999* (SA) and because Item 23.1 [Confidential Recommendation of the City Finance and Governance Committee – 21 November 2023] listed on the Agenda for the meeting of Council held on 28 November 2023 was received, discussed and considered in confidence pursuant to Section 90(3) (b) and (d) of the *Local Government Act 1999* (SA), this meeting of Council do order that

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until otherwise determined by Council or 31 December 2030.
2. The confidentiality of the matter be reviewed in December 2024.
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

**Closure**

The meeting closed at 6.59 pm

Dr Jane Lomax-Smith  
Lord Mayor

Date of confirmation:

Documents Attached:

Item 12.5 - Recommendation 5 - Item 7.5 - Draft Code of Practice for Access to Council and Committee Meetings and Documents, Tabled Document

# CODE OF PRACTICE FOR ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS

28 November 2023

*Legislative*

## ACKNOWLEDGEMENT OF COUNTRY

The City of Adelaide acknowledges that we are located on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past, present and emerging.

We recognise and respect their cultural heritage, beliefs and relationship with the land. We also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.

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## 1. STATEMENT

Section 92 of the *Local Government Act 1999* (SA) (the Act) requires Council to prepare and adopt a Code of Practice for Access to Meetings and Documents (the Code).

Public access to Council and Committee meetings and documents is one of the primary means by which the community can gain access to information about the business of Council and Council committees. This Code includes information relating to:

- access to the agenda for meetings;
- public access to meetings;
- the process to exclude the public from meetings;
- matters for which the Council, or a Council committee, can order that the public be excluded;
- how the Council will approach the use of the confidentiality provisions in the Local Government Act;
- public access to documents, including minutes;
- review of confidentiality orders;
- accountability and reporting to the community, and the availability of the Code of Practice; and
- grievances about the use of the Code of Practice by Council.

This Code was adopted by the Council on **28 November 2023**.

## 2. SCOPE

The purpose of this Code is to clearly outline to the community how they may access Council and Committee meetings, agendas, and reports as well as information or briefing sessions. In addition, it outlines how public access to Council and Committee meetings or documents may be restricted.

The City of Adelaide supports the principle that the procedures to be observed at a meeting of Council or a Committee should contribute to open, transparent and informed decision-making and encourage appropriate community participation in the affairs of Council. Council recognises that on a limited number of occasions it may be necessary in the broader community interest to restrict public access to discussion or documents.

This Code should be read in conjunction with Council's Code of Practice for Meeting Procedures [and Council's Public Transparency Policy](#).

## 3. COUNCIL COMMITTEE AND

### 3.1 Notice, Agenda and Reports

Public access to Council and Committee Agendas provides one of the main opportunities for the community to gain information about the business of Council and Committees. The following procedures apply to encourage public access to the Notice and Agenda:

- a) at least three Clear Days before a Council or Committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written Notice of the meeting to all Council and Committee Members
- b) it will be placed on Council's website three Clear Days prior to the meeting

Various non-confidential documents from Council or Committee Meetings are to be available for inspection by members of the public on Council's public website as soon as practicable after the document or report is supplied to members of the Council, pursuant to section 84(5) of the Act. The Agenda may include a recommendation from the CEO that a document or report on a particular matter should be considered in confidence with the public to be excluded, in accordance with section 90 of the Act. Where this occurs, the CEO must specify the basis under section 90(3) where such an order could be made. Requests to access documents can be made under the *Freedom of Information Act 1991* (SA). Further information is available on Council's public website.

### 3.1.1 Meetings (including excluding the public)

Council and Committee meetings are open to the public and attendance is encouraged, except where Council or a Committee believes it is lawful and necessary to exclude the public from the meeting i.e., the need for confidentiality outweighs the general principle of open decision making.

The public may consider participation through the public forums or deputations in accordance with Council's Code of Practice for Meeting Procedures.

Council or a Committee will only discuss matters in confidence when it is considered necessary to do so and may order that the public be excluded in specific circumstances. Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within section 90(3) of the Act.

Before a Council or Committee meeting orders that the public be excluded, the Council or Committee must resolve this. If this occurs, the Presiding Member will convey this to the public (and the grounds on which this will occur) and the public must leave the meeting. The Council or Committee can by inclusion within the resolution, permit a particular person or persons to remain in the meeting.

Where a person provides information to Council and requests that it be kept confidential the Council is not able to comply with this request unless the matter is one that falls within the ambit of section 90(3) of the Act. If this is the case, Council will then be in a position to consider the request on its merits.

### 3.1.2 Use of the confidentiality provisions

Council has developed a Public Transparency policy which provides a Public Interest Test, which will be applied when considering the use of confidentiality provisions In accordance with the requirements of section 90(3) of the Act, the Council, or a Council Committee, may order that the public be excluded in order to receive, discuss or consider any of the following information or matters in confidence:

- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
- (b) *information the disclosure of which—*
  - (i) *could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to*

*prejudice the commercial position of the Council; and would, on balance, be contrary to the public interest;*

- (c) *information the disclosure of which would reveal a trade secret;*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
  - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
  - (ii) *would, on balance, be contrary to the public interest;*
- (e) *matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;*
- (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
- (g) *matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
- (h) *legal advice;*
- (i) *information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;*
- (j) *information the disclosure of which—*
  - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and*
  - (ii) *would, on balance, be contrary to the public interest;*
- (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
- (m) *information relating to a proposed amendment to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*
- (n) *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991;*
- (o) *information relating to a proposed award recipient before the presentation of the award.*

The Act provides a definition of "personal affairs" which includes a person's:

- financial affairs
- criminal records
- marital or other personal relationships
- personal qualities, attributes or health status

- employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person,
- but it does not include the personal affairs of a body corporate.

**NOTE:** This is an inclusive (not exhaustive) list of personal affairs matters and other matters may also constitute a person's personal affairs.

With respect to matters on a Council Agenda, where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.

In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council;
- cause a loss of confidence in the Council or Committee;
- involve discussion of a matter that is controversial within the council area; or
- make the council susceptible to adverse criticism.

If a decision to exclude the public is taken, the Council or the Council Committee is required to make a note in the minutes of the making of the order and specify:

- the grounds on which it was made;
- The basis on which the information or matter falls within the ambit of each confidentiality ground; and
- (if relevant,) why receipt, consideration or discussion of the information or matter in public would be contrary to the public interest.

Once discussion of the matter is concluded, the meeting must then consider if it is necessary to make an order identifying the document(s) (or parts of the document(s)) associated with that item (including minutes) that are to remain confidential.

If the meeting determines that it is necessary to keep a document(s) (or parts of document(s)) confidential, then a resolution for an order to this effect is required in accordance with section 91(7).

The Council or the Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence at a Council or Committee Meeting pursuant to sections 90(2) and 90(3).

Once discussion of the matter is concluded and the public have returned, the decision in relation to the matter will be communicated unless the Council has resolved to order that the resolution remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) will also be made known.

In accordance with section 91(8) the Council or the Council committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or



- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

Where keeping a document confidential is considered necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year; and
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council.
- In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications.

**NOTE:** There is no legal requirement to resolve to “come out of confidence” or to go back into “public session”. The public may and should be invited to re-enter the meeting when consideration of the relevant Agenda Item has concluded. The public are also entitled to be present for the debate and decision on whether any subsequent item should be considered in confidence.

### 3.1.3 Minutes

Minutes of a Council or Committee meeting must be publicly available on Council’s website within five days after the meeting. This excludes any resolutions where a confidential retention order has been made. If a decision to exclude the public is taken, Council or a Committee is required to record in the Minutes the making of the order and the grounds on which the resolution was made in the Minutes. This will also apply to any order to keep an associated document confidential in accordance with section 91(7) of the *Local Government Act*. These minutes must be available for a minimum period of one (1) month.

### 3.1.4 Confidential Retention Orders

Council or a Committee will only make an order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and necessary. A resolution to this effect will be carried by the meeting, immediately after considering the confidential item which will include the grounds for confidentiality and the duration of the order or circumstances in which the order will cease to apply or when the order must be

reviewed. When retaining documents as confidential, the retention period will be kept as short as is necessary.

Each item must be addressed separately and assessed against section 90(3) and section 91(7) of the *Local Government Act*. The Council or Committee can delegate the power to revoke an order made under section 91(7) and this can be included in the retention order, including any conditions associated with this delegation.

Documents will not be made available for public inspection while a confidential order under section 91(7) remains in place.

The CEO will maintain a register of the confidential retention orders and released confidential documents. This register will be published on Council's website. Released documents are available on Council's website.

The review of Confidentially Orders will be done in accordance with Council's Public Transparency Policy. A review of retention orders and confidential documents will ~~ideally~~ be conducted every six months twice a year (once a year at a minimum) to ensure that items are released to the public in accordance with the resolutions of Council, including detailing where an extension of a confidential retention order is required. The objective is that the information is to be made publicly available at the earliest opportunity.

An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidentiality order to be lifted. Once the order expires or ceases to apply, the minutes and/or documents automatically become public. At this point in time, the Council will make this information publicly available by publishing it on the Council's website.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential. The conduct of the annual review can be delegated to the CEO and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must be addressed separately and assessed against section 90(3) and section 91(7). While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the *Local Government Act*.

A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the *Local Government Act*. Section 90(3) of the *Local Government Act* must be applied separately to each item within the scope of the review and not *en bloc*.

The Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7). Such delegation may be subject to conditions.

### 3.1.5 Reporting

Council will include in its Annual Report, a listing of the use of sections 90(2) and 91(7) of the *Local Government Act* by Council and Council committees as required by schedule 4 of the *Local Government Act*, and the *Local Government (General) Regulations 2013*.

~~The report should include the following information, separately identified for both Council and Council committees: Reporting will be consistent with the Accountability and Reporting provision in Council's Public Transparency Policy.~~

- ~~• Total number of orders made under sections 90(2) and 90(3) and 91(7) in the relevant financial year;~~
- ~~• The date and subject of each order made under sections 90(2) and 90(3) and 91(7) in the relevant financial year;~~
- ~~• In relation to each ground specified in section 90(3), the number of times in the relevant financial year that an order was made under section 90(2) and 90(3) for each ground;~~
- ~~• The number of orders made under section 91(7) that expired, ceased to apply or were revoked during the relevant financial year and the date and subject of each such order; and~~
- ~~• The number of orders made under section 91(7) since 15 November 2010 that remained operative at the end of the relevant financial year~~

### 3.2 Information and CEO Briefing Sessions

Councils or the CEO are permitted to facilitate an 'information or briefing session' where more than one member of the Council or Council Committee is invited.

A matter must not be dealt with at an information or briefing session in such a way so as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Committee.

An information or briefing session on a matter that will be included on a council agenda must be open to the public. However, the Council or the CEO may order that the information or briefing session be closed to the public if the matter listed for discussion falls within the confidentiality provisions listed in section 90(3) of the Act. This will be done using the same Public Interest test prescribed in the Public Transparency Policy.

Whether or not an information or briefing session has been open to the public, the following information must be published as soon as practicable after the holding of the session:

- the place, date and time of the session;
- the matter discussed at the session; and
- whether or not the session was open to the public

### 3.3 Public Access to Documents

The Act requires Councils to make available a large number of documents. Many of these are set out in Schedule 5, with other requirements contained in other sections of the Act.

Schedule 5 documents must be published on a website determined by the CEO. Councils must also, upon request, provide a person with a printed copy of any document referred to in

## CODE OF PRACTICE FOR ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS

Schedule 5. Provision of printed copies of a document may require payment of a fee (if any) set by Council (see Council's Fees and Charges Register for any relevant fee).

Requests to access Council and Council Committee documents that are not otherwise publicly available, can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council can be located on Council's public website under Freedom of Information.

### 3.4 Grievance Procedure

Should a person be aggrieved about public access to either a meeting or a document then a request, in writing, can be lodged for consideration under Corporate Complaint handling Guidelines.

A member of the public is also entitled to lodge a complaint with the South Australian Ombudsman if he or she has been aggrieved by a decision of Council to exclude the public from a meeting or has otherwise been prevented access to Council documents.

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## 4. DEFINITIONS

For the purposes of this Code the following definitions apply:

Act	<i>Local Government Act 1999</i> (SA) (the Act)
Agenda	As defined in the Act means a list of items of business to be considered at a meeting.
CEO	Refers to the Chief Executive Officer (including their delegate) of the City of Adelaide
Clear Days	Means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g., if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.
Code	Code of Practice - Access to Council Meetings and Documents
Committee	Refers to key (section 41) Council Committees established under the Act

Connect	Means able to hear and/or see the meeting, including via a live stream or recording of the meeting
Disconnect	Means remove the connection so as to be unable to hear and see the meeting
Electronic Means	Includes a telephone, computer or other device used for communication.
Live Stream	Means the transmission of audio and/or video from a meeting at the time that the meeting is occurring
Minutes	A written record of the proceedings at every meeting of the Council or a Council committee
Notice of a Meeting (Notice)	Pursuant to the Act in the case of an ordinary meeting or Council committee meeting, the CEO must give each member of the Council notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting or a special Council committee meeting, the CEO must give each member of Council notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Meeting of the Council must be in writing, set out the date, time and place of the meeting, be signed by the CEO and contain or be accompanied by the Agenda for the meeting. For Council committee meetings, the Notice is not required to be signed by the CEO.
Personal Affairs	As defined in section 90(9) of the Act, being a person's financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person's employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the Personal Affairs of a body corporate
Presiding Member	Under the <i>Local Government (Procedure of Meetings) Regulations 2013</i> , this means the person who is the Presiding Member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting
SAPOL	South Australia Police

## 5. LEGISLATIVE FRAMEWORK

The following legislation applies to this Code:

Freedom of Information Act 1991	Schedule 1, Section 9(1) & (2) of this Act specifies certain documents that are exempt and not exempt from disclosure to the public
<i>Local Government Act 1999 (SA)</i>	<p>Sections 83 and 84 details the public notice requirements for Council meetings</p> <p>Section 90 provides a general duty for Council and Committee meetings to be conducted in a place open to the public.</p> <p>Section 90A sets out the requirements for information or briefing sessions.</p> <p>Section 91 provides for confidential documents and the release of and minutes relating to</p> <p>Section 92 requires a council to prepare and adopt a code of practice relating to the principles, policies and procedures that council will apply for the purposes of the operation of Parts 3 &amp; 4.</p>
Local Government (General) Regulations 2013	Regulation 35 outlines the requirement for reporting in the Annual Report for Confidential Documents

### Other references:

Council's documents including:

- a. Code of Practice for Meeting Procedures
- b. Community Consultation Policy
- c. Fees and Charges Register
- d. Corporate Complaint Handling Guidelines

This Code is based on a model code developed by the Local Government Association.

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## 6. AVAILABILITY

### Availability of the Code of Practice

A copy of this Code of Practice will be made available on the Internet at [Strategies, plans & policies directory | City of Adelaide](#) will also, on request, provide a person with a printed copy of the Code of Practice on payment of a fee (if any) fixed by the council<sup>1</sup> (see Council's fees and charges register for any relevant fee).

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## ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **12 months** unless legislative or operational change occurs beforehand. The next review is required in **October 2024**.

### Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2023/ 154410	Council	28 November 2023	Adoption <i>of Code of Practice</i>

### Contact:

For further information contact the Governance Program

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